

**BOROUGH OF DUMONT
BERGEN COUNTY, N.J.
ETHICS BOARD
JANUARY 21, 2010
MINUTES**

Meeting called to order at 7:00 pm by Christian Baguer, Vice Chairperson.

Flag Salute

SUNSHINE LAW: The notice requirements of the Open Public Meetings Act of the State of New Jersey have been satisfied by the inclusion of the date, time and place of this regular meeting in the annual schedule and notice of regular meetings of the Ethics Board. Such annual schedule and notice of regular meetings is posted at Borough Hall, was sent to **The Record** and the **Ridgewood News**, posted on the Borough website and filed with the Borough of Dumont on December 3, 2009.

Mr. Baguer welcomed Harry Stylianou, newly-appointed Council Liaison for the Ethics Board to the meeting.

The Oath of Office was administered by Ann Marie Rizzuto, Esq. to Rafael Riquelme

ROLL CALL: Christian Baguer, Salvatore Mastroeni, Thomas Reagan, Rafael Riquelme-present; Joanne Westphal, Adriann Green-absent.
Also present was Anne Marie Rizzuto, Board Attorney, and Kathy Schaefer, Board secretary.

Motion to open the meeting to the public: Christian Baguer, second Thomas Reagan.

All in favor: Aye

Motion passed.

There being no members of the public present, the citizens' hearing was closed.

Motion to approve the minutes of the November 19, 2009 meeting: Christian Baguer, second Salvatore Mastroeni

Rafael Riquelme – abstained

All in favor: Aye

Motion passed.

Adriann Green joined the meeting at 7:15 pm.

The Chairman advised the Board that the next two items on the agenda for discussion were for Resolution 10-01 Authorizing an Executive Session of the Ethics Board, if necessary, for the Board Attorney contract based on the 2010 RFQ and Resolution 10-02 Authorizing Agreement for Professional Services for Ethics Board Attorney. Ms. Rizzuto advised that she had submitted an RFQ to be reappointed as Board Attorney. She had kept the rate at the same rate she had for

the past year and the same contract would be proposed. She then asked if the Board would like to hold a closed session. Mr. Baguer advised that he had a few questions to address to the attorney.

Mr. Baguer advised that in Ms. Rizzuto's cover letter dated December 14, 2009 accompanying the RFQ itself, Ms. Rizzuto had pointed out that she had recently disengaged as Counsel from the firm of McManimon and Scotland. Mr. Baguer asked when that had become effective. Ms. Rizzuto advised it was in May of 2009 and she believes that she had advised the Clerk's office. She was not sure if the Board had appointed her as a solo and didn't believe the Board held another meeting until November. Mr. Baguer advised that when we had hired her it was as a representative of the firm of McManimon and Scotland. Ms. Rizzuto advised she thought it would be appropriate to retroactively appoint her as attorney and we should have had it on the November agenda. This has to be added to the next agenda.

Mr. Baguer questioned as to whether any other member had any reason to enter into a closed session. Ms. Rizzuto pointed out that there was a typo on her cover letter, wherein she had indicated the public notice of RFQ for the Special Conflicts. She had applied for that position and the position of Ethics Board Secretary. She indicated that she had been appointed as attorney for Special Conflicts at the Borough Reorganization Meeting. Mr. Riquelme asked what other towns Ms Rizzuto worked in. Ms. Rizzuto indicated the positions and towns she has and was now currently working in.

Mr. Baguer asked if any of the members of the board felt they needed to go into closed section. The board members did not feel a closed session was necessary. Resolution 10-01 Authorizing an Executive Session of the Ethics Board was withdrawn.

Motion to approve Resolution 10-02 Authorizing Agreement for Professional Services for Ethics Board Attorney: Christian Baguer, second Adriann Green

All in favor: Aye

Motion passed.

Mr. Maestroni questioned as to whether the procedures to be taken in addressing inquiries to the Board were established and if so, were they furnished to the Board. The secretary advised the procedures were contained in the January 15, 2009 minutes and she would send to the Board members.

Ms. Rizzuto advised that she had received two inquiries addressed to the Ethics Board.

The first was an inquiry received from the Borough Attorney, through the Borough Clerk's office, regarding request for use of Borough Hall for post-inaugural celebration for a newly elected councilperson. Pursuant to the procedure that was established last year, the vice chair and chair were notified and she was authorized to go ahead and write her opinion. She did research and looked at the Ethics Code and the Code did have specific comments about it and it was her opinion that the use of borough property for this type of celebration was prohibited. Her opinion dated December 29, 2009 was passed along to the Borough Clerk.

The second inquiry was regarding the appointment of a former elected official; as to whether or not this was allowable. This came from the Borough Clerk's office and the board attorney responded back to the Borough Clerk by correspondence dated January 4, 2010. Her opinion was that there was no local code prohibition for the appointment of a former elected official so long as it is a volunteer and non-compensated position. There was no state statute that she could locate that would have a similar prohibition. Certainly with former elected officials, as long as they meet the qualifications, there should be no problem with that appointment.

Both of the above opinions were distributed to the board members at the meeting.

Mr. Baguer advised that Adriann Green and Thomas Reagan were reappointed to the Board of Ethics at the January 5, 2010 Mayor and Council Reorganization meeting.

The Oath of Office was administered by Ann Marie Rizzuto to Adriann Green and Thomas Reagan as re-appointees to the Ethics Board. The Oath of Office was administered by Mr. Baguer to Ann-Marie Rizzuto as Ethics Board Attorney.

Mr. Baguer stated that at the last meeting the secretary had brought up a recent law by the State of New Jersey, the Citizen Service Act, which had to do with an ordinance regarding unexcused missed scheduled meetings. Ms. Schaefer advised that she was waiting to hear back from the Mayor and Council as to how this would be handled.

The secretary advised that effective immediately, all bills received for the Ethics Board will have to be approved by the members of the Ethics Board as opposed to what is presently being done, that is, the Chairperson would just have to approve the bill. Ms. Rizzuto questioned as to whether the bill has to be approved at a public meeting or could it be circulated to all members of the Ethics Board via email for approval. The secretary advised she would look into this matter and advise the Board.

A short discussion followed regarding how to make sure people are aware of the existence of the Ethics Board. It was suggested that a Mission Statement might be prepared to put on the website and that at least one member of the Ethics Board attend the Mayor and Council Public meetings. A list of the dates for the Mayor and Council Public meetings will be sent to all board members. It was also suggested by Ms. Rizzuto that an annual accomplishment (summing up) report be prepared and presented to the Mayor and Council, which would then be placed in the Mayor and Council meeting minutes.

The next regularly scheduled meeting of the Ethics Board is March 18, 2010.

The above is a true rendering of the minutes of the meeting of the Board of Ethics of the Borough of Dumont held on January 21, 2010. These minutes were approved by the Board on March 18, 2010.

Motion to adjourn the meeting at 7:57 pm: Christian Baguer, second Thomas Reagan

All in favor: Aye

Motion passed.

Minutes submitted by:

Kathy Schaefer
Ethics Board Secretary